

## **REMARKS**

Claims 1-53 were pending prior to this Response. Claims 37-41 and 48-53 have been cancelled without prejudice to our rights to pursue such subject matter in one or more further continuations. Claim 14 has been amended for the reasons mentioned below. Applicants address each of the objections and rejections in the order in which they appear in the Action.

### **I. Information Disclosure Statement**

Applicants note that Reference Nos. 8-13 listed on the Form PTO-1449 submitted on August 31, 2006 were not considered. Applicants apologize for the inconvenience caused by the failure to provide copies of the references. The foreign patent references are attached herewith, along with the appropriate statement and fee and a new Form PTO-1449. Applicants request that the Examiner consider the references and return a fully-initialed copy of the Form PTO-1449 with the next communication.

### **II. Objections to Specification Addressed**

The Action objects to the informalities of Claim 14. Applicants have amended Claim 14 to correct the typographical error and respectfully request that this objection be withdrawn.

### **III. Section 102 Rejections Overcome**

A. Claims 1, 3, 6, 8, 10, 11, 13, 15-36, and 42-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2007/0095853 A1 (Bonney *et al.*). Applicants respectfully traverse this rejection.

Bonney *et al.* has a §102(e) date of February 4, 2005, the filing date of PCT Application No. PCT/GB05/00416. The present application, however, is entitled to a priority date of March 11, 2004. As the priority date of the instant application is prior to the §102(e) date of the Bonney *et al.* reference, Bonney *et al.* is not prior art to the instant application. As the rejection lacks proper statutory basis, Applicants believe it is not sustainable as a matter of law. Withdrawal of the rejection is respectfully requested.

B. Claims 52 and 53 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0170928 A1 (Grychowski *et al.*). Applicants respectfully traverse this rejection.

In light of the cancellation of Claims 52 and 53, it is asserted that this rejection is rendered moot.

#### **IV. Section 103(a) Rejection Overcome**

A. Claims 2, 4, 5, 7, 9, 10, 12, and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2007/0095853 A1 (Bonney *et al.*). Applicants respectfully traverse these rejections.

As explained above, Bonney *et al.* fails to qualify as prior art to the instant application under §102(e). As Bonney *et al.* fails to constitute art under §102, no case of obviousness may be sustained on this reference alone or in combination.

B. Claims 37-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0170928 A1 (Grychowski *et al.*) in view of U.S. Publication No. 2005/0211241 A1 (Anderson *et al.*). Applicants respectfully traverse these rejections.

In light of the cancellation of Claims 37-41, it is asserted that this rejection is rendered moot.

C. Claims 48-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0170928 A1 (Grychowski *et al.*) in view of U.S. Patent No. 6,305,371 (Frid *et al.*). Applicants respectfully traverse these rejections.

In light of the cancellation of Claims 48-51, it is asserted that this rejection is rendered moot.

#### **V. Conclusion**

All claim rejections being addressed in full, Applicants respectfully request the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicants

Application No.: 10/598,464  
Attorney Docket No.: PB60781USw

respectfully request that the Examiner contact the undersigned, who can be reached at  
(919) 483-8022.

Respectfully submitted,

/James P. Riek/

---

James P. Riek  
Attorney for Applicant  
Reg. No. 39,009

Date: 3 Nov. 2009  
Customer No. 23347  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive, P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Telephone: (919) 483-8022  
Facsimile: (919) 483-7988